

REMARKS

Claims 1, 4, 5, 7, 9, 13-14, 17, 20, 22, 25, 28, 31 and 32 have been amended. Claims 1-33 are pending in the application.

35 USC 102(b) Claims Rejections

The Examiner rejected claims 1-33 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,742,905 (*Pepe*). Applicants respectfully traverse this rejection.

For ease of discussion, claim 1 is discussed first. Claim 1, directed to a method, describes (1) receiving information associated with a telephone call involving a first party and a second party; (2) allocating a storage space that is accessible by at least one of the first party and the second party based on at least a portion of the received information, and (3) allowing at least one of the first party and second party to exchange one or more electronic files with the other party using the storage space.

The Examiner's rejection fails because *Pepe* does not teach one or more of the claimed features. For instance, the cited references at least do not teach allowing at least one of the first party and second party to exchange one or more electronic files with the other party using the storage space, as described in claim 1. As explained in the exemplary embodiments described in the patent application, the ability to readily exchange electronic files with another party while on a telephone call may facilitate communication of otherwise non-transferable, non-verbal data (e.g., business card information, text documents, photos, drawings, video files, audio files, multimedia files, and the like). See Application, p.2, ll. 14-20; p. 7, line 21 to p.8, line 8. By allocating storage space that is accessible by the parties based upon information associated with

the telephone call, callers are able to exchange electronic files without having to set up a network conference beforehand. *See* Application, p. 7, line 21 to p.8 line 8.

Unlike the instant patent application, *Pepe* describes a system through which a calling party can configure his or her profile stored in a database. In particular, *Pepe* describes a system in which a client contacts a network and personal communications internetworking (“PCI”) database to update message routing and delivery instructions in the client’s profile. *See, e.g., Pepe*, Abstract; col. 6, line 11 to col. 7, line 15. As such, while *Pepe* describes a system that allows a user to configure settings of a profile, it does not allow parties to exchange electronic files, as taught in claim 1 of the instant Application. At best, *Pepe* allows the client-caller to update a user profile by manipulating an input interface (*e.g.*, clicking buttons in the graphical user interface in *Pepe*, Fig. 31) and provides the client-caller with a status screen showing the caller the call history or current profile settings (*e.g.*, Figs. 29, 31 & 36). In contrast, claim 1 calls for allowing at least one of the first party and second party to exchange of one or more electronic files with the other party using the storage space.

Accordingly, for at least the aforementioned reasons, claim 1 and its dependent claims are allowable. For similar reasons, claim 31 and its dependent claims are also allowable.

Additionally, claims 13 and 20 and their respective dependent claims, are allowable because the cited reference does not teach allowing at least the first party to provide one or more electronic files intended for the second party using the storage space.

Similarly, claim 28 and its respective dependent claims are allowable because the cited reference does not teach allowing at least the first party to at least one of provide and receive one or more electronic files using the first-processor device to and from the storage space.

The pending claims are allowable for additional reasons. For example, claim 4, which depends from claim 1, specifies that allocating the storage space comprises defining an electronic folder for each telephone call made by at least one of the first party and the second party, wherein each electronic folder is adapted to store one or more electronic files that are exchanged by the first and second party during that call. As described in the instant Application, storage space is created or allocated for each telephone call placed by a user, and in this storage space, an electronic folder is created to store electronic files being exchanged. *See* Application, Fig. 2 (235 & 240); p.16, line 16 to p.17, line 7; p.10, line 19 to p.11, line 14. The electronic folders in the storage space can be used by the parties, for example, to facilitate file exchanges quickly and simply. *Pepe*, in contrast, is silent regarding creating electronic folders in a shared space to allow parties to exchange electronic files. *Pepe* describes a status screen displaying an entry for each call and its disposition (e.g., Fig. 31). Plainly, a phone call entry is not an electronic folder. Moreover, the entry in *Pepe* is not adapted to store one or more electronic files that are exchanged by the first and second party during that call. For at least this reason, claim 4 is allowable. Moreover, for similar reasons, claims 10, 14, 18, 22 and 26 are also allowable.

The dependent claims are further allowable for the features recited therein. For example, claim 11, which depends from claim 1, specifies that the first party (of claim 1) is the calling party and the second party (of claim 1) is the party that receives the call. When applying *Pepe* to independent claim 1, the Examiner asserts that the “first party” of claim 1 corresponds to the “client,” and the “second party” corresponds to the “network” that is called by the client. Claim 11 further calls for allowing the calling party to provide to the receiving party at least one of a graphics file, a video file, an audio file, and a multimedia file.

With respect to claim 11, the Examiner argues that *Pepe* teaches transferring a text message from a third party to the client by way of re-routing through the network/PCI database. Unfortunately, the Examiner does not specify what in the reference corresponds to the “first party” (*i.e.*, the calling party) and the “second party” (*i.e.*, the called party). However, because the Examiner must apply the reference consistently between the claims, the Applicants infer, based on the Examiner’s position regarding claim 1 (the claim from which claim 11 depends), that the “first party” corresponds to the “client” in *Pepe* and the “second party” corresponds to the “network” called by the client. Against this backdrop, the problems with the Examiner’s rejection of claim 11 become readily apparent.

As noted, claim 11 calls for allowing the calling party (the “client,” according to the Examiner) to provide to the receiving party (the “network,” according to the Examiner) at least one of a graphics file, a video file, an audio file, and a multimedia file. *Pepe* does not teach this claimed feature. That is, while *Pepe* describes transferring a text message from a third party to the client by way of re-routing through the network/PCI database, it does not describe allowing the client (the calling party) to provide to the network (the receiving party) any files, much less one of a graphics file, a video file, an audio file, and a multimedia file, as specified by claim 11. For at least these reasons, Applicants respectfully submit that claim 11 is allowable.

Applicants respectfully assert that in light of the amendments and arguments provided throughout the prosecution of the present application, all claims of the present application are allowable and, therefore, request that a Notice of Allowance be issued. Reconsideration of the present application is respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney at the Houston, Texas

telephone number (713) 934-4064 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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